



PROTECTING BUILDINGS FROM DEMOLITION

Cambridge's Demolition Review Ordinance

Article II of Chapter 2.78 of the Cambridge City Code was adopted by the City Council in 1979 to protect significant buildings from destruction. When the Historical Commission determines that a building is significant and should be preserved, it can delay demolition for up to six months. During this period, the Commission, the owner, and the community can explore ways to preserve the building indefinitely or mitigate the effects of demolition.

Historical Commission Authority

The ordinance enables the Historical Commission to advise the city's building commissioner on the issuance of demolition permits. No demolition permit can be issued for a building over fifty years old until the Commission has reviewed the application.

Procedures for Reviewing Demolition Permit Applications

Demolition permit applications can be obtained from the Inspectional Services Department at 831 Massachusetts Avenue. The completed application will be reviewed at the Historical Commission office to determine the status of the building under Article II. If the Commission staff deter-

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mines that the building is fifty or more years old and is "significant," the application is scheduled for a public hearing before the full Commission. If the building is not found to be significant, the application is released for further review by the building commissioner.

Criteria for Determining Significance

A "significant building" is one that is fifty years old or older and that is listed on the National Register of Historic Places, or is determined to be "importantly associated with one or more historic persons or events, or with the broad architectural, cultural, economic, or social history of the City or the Commonwealth" or "historically or architecturally significant . . . either by itself or in the context of a group of buildings." The initial determination of significance must be made by the Executive Director of the Commission within five days after receiving the application.

Public Hearing Procedures

The Historical Commission meets monthly. A report documenting the Director's initial determination of significance is prepared and circulated to the Commission. The hearing is advertised in a newspaper of general circulation and a placard may be placed on the building. At the hearing, the Executive Director describes the significance of the building and the owner is invited to discuss the reasons for the demolition and the nature of the replacement project, if any. The public is also invited to speak.

The Commission's Decision

The Historical Commission votes on two issues: first, whether the building is, in fact, significant, and, second, whether it is in the public interest that it should be preserved in preference to the proposed replacement. Buildings that are found

to be both significant and worthy of preservation, relative to the proposed replacement, are termed "preferably preserved significant buildings," and cannot be demolished for six months from the date of the hearing.

The Effect of the Demolition Delay

The Commission holds demolition permit applications for preferably preserved significant buildings for six months from the time of the hearing. At the end of six months, however, applications will not be released until plans for the use or development of the site after demolition have been found to comply with applicable laws regarding building permits and until all necessary zoning variances and special permits for the new development have been obtained. Therefore, an application may actually be delayed for longer than six months.

All of the Historical Commission's regulatory approvals have a life of six months. This means that once the demolition permit application is released, the owner has six months to demolish the building. If the building is not taken down in that period, the Chair or the Commission may issue a six-month extension, provided the ownership and nature of the replacement project have not changed. If demolition has not occurred by the end of the extension, the owner must resubmit the demolition permit application for Historical Commission review, and the case must be heard again.

**Questions and Answers
about Article II**

How can preferably preserved significant buildings be preserved?

Properties subject to the demolition delay period can be preserved indefinitely through landmarking or other protective measures, such as placing a preservation easement on the property. Ten registered voters can petition the Commission, or the Commission may itself vote, to consider a property for landmark designation. If the Commission finds the property eligible and the

City Council votes to make it a landmark, then no changes to the exterior can take place without the Commission's review and approval.

A property can also be preserved if the owner is willing to rehabilitate or restore it. The development of a property may be compatible with saving its historic aspects. Development proposals can be reworked to incorporate the preservation of historic buildings. Often, another owner may be willing to maintain an existing historic property rather than redevelop it.

What happens to a preferably preserved significant building after the six-month delay expires?

If no action has been taken to designate the building as a landmark and no one is willing to preserve it, the building can be demolished and the proposed development can go forward. The intent of the delay is not to prevent all demolition but to provide an opportunity for developing preservation solutions for the property. In certain zoning districts, however, preferably preserved significant buildings retain this status indefinitely, and replacement projects may be penalized if such a building is demolished.

Is a hearing required to get a demolition permit for any building?

Not necessarily. If the building is not significant according to the criteria of Article II, the Commission's Executive Director releases the demolition permit application and demolition can go forward. Typically, buildings such as garages and sheds that lack historical or architectural importance can be approved for demolition without a hearing.

What happens if a building that is subject to Commission review is demolished without the Commission's approval?

Article II states that, for a period of two years, no building permit can be issued for premises on which any fifty-year-old building has been demolished in violation of the ordinance. This penalty also applies to preferably preserved significant buildings that have been lost to fire

or other causes due to the failure of the owner to properly secure the building.

Are there any conditions whereby a demolition permit application can be released before the end of the delay period?

Yes. The demolition permit application can be released if the Commission finds that there is no reasonable likelihood that anyone is willing to preserve the building or that the owner has made a "continuing, bona fide, reasonable and unsuccessful effort" for at least six months to locate a buyer willing to preserve the building. The Commission may also shorten the delay period if the project is modified to advance broader community preservation goals.

Can an owner get an informal evaluation of a building's significance?

Yes. The Commission prefers to be consulted early in the development process, and the staff will provide an opinion on the significance of a building. Although such informal opinions are not binding, they may be useful to the property owner.

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House at Massachusetts Avenue and Bay Street being demolished for subway construction. Photo, 1909. (Boston Elevated Railway Collection, Cambridge Historical Commission)

Demolition of house at Massachusetts Avenue and Bay Street, looking west toward Harvard Square. Photo, 1909. (Boston Elevated Railway Collection, Cambridge Historical Commission)

Partially demolished house at Massachusetts Avenue and Bay Street, with subway construction in foreground. Photo, 1909. (Boston Elevated Railway Collection, Cambridge Historical Commission)

